

Philip Nelson, OSB No. 013650

phil@slindenelson.com

Keith A. Pitt, OSB No. 973725

keith@slindenelson.com

SLINDE NELSON

425 NW 10th Avenue Suite 200

Portland, OR 97209

Telephone: (503) 417-7777

Of Attorneys for Defendant Heather Schiappacasse

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

VERITAS ALLIES LLC, an Oregon Limited
Liability Company,

Plaintiffs,

v.

CYNTHIA FREE, an individual, and
HEATHER SCHIAPPACASSE, an
individual,

Defendants.

Case No.: 3:22-cv-00903-YY

**DEFENDANT HEATHER
SCHIAPPACASSE'S DECLARATION IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

ORAL ARGUMENT REQUESTED

I, Heather Schiappacasse, under penalty of perjury, state as follows:

1. I make this Declaration based on facts known to me. I am over the age of 18 and competent to testify herein. This declaration is submitted in support of DEFENDANT HEATHER SCHIAPPACASSE'S MOTION FOR SUMMARY JUDGEMENT in the above-captioned matter.
2. I am a resident of the State of Texas.
3. Attached as Exhibit 1 is a true and correct copy of the email I sent to Jean Gordon, dated October 8, 2021, my first contact with her.

4. Attached as Exhibit 2 is a true and correct copy of certain text messages between me and Jean Gordon, dated October 19, 2021, regarding Jean Gordon's request to share certain text messages with David Vazzini, and my response. My messages are in blue.

5. Attached as Exhibit 3 is a true a true and correct copy of certain text messages between me and Cynthia Free, dated October 8, 2021, showing the so-called "registration" of the name "Veritas Allies, LLC" with the Oregon Secretary of State was the act of Cynthia Free alone. My messages are in blue.

6. Attached as Exhibit 4 is a true and correct copy of Plaintiff's "Objections and Responses to Defendant's First Set of Interrogatories" ("Plaintiff's Responses") in this matter. In reviewing Plaintiff's Responses—*e.g.*, particularly Responses 1 and 4 therein—none of the individuals/entities identified by Plaintiff is located within the State of Oregon.

7. At no time between October 2, 2021 and December 16, 2021 (or any time thereafter) did I ever contact and/or interfere with any "business relationships, economic relationships, existing contracts or potential contracts" of Plaintiff in the State of Oregon.

**I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE
BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE
MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR
PERJURY.**

DATED this Feb 27, 2023 day of February, 2023.

By: Heather Schiappacasse

Heather Schiappacasse

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANT HEATHER SCHIAPPACASSE'S DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** on:

Grant T. Engrav
Engrav Law Office, LLP
1500 SW First Avenue, Suite 11700
Portland, OR 97201

by the following indicated method(s):

- by **faxing** full, true, and correct copies thereof to said attorney to the fax number noted above, which is the last known fax number for said attorney, on the date set forth below.
- by **emailing** full, true, and correct copies thereof to said attorney to the email address noted above, which is the last known email address for said attorney, on the date set forth below.
- by notice of electronic filing using the CM/ECF system (LR 100.7(a)(2)).
- by causing full, true and correct copies thereof to be **mailed** to the attorney(s) at the attorney(s) last-known office address(es) listed above on the date set forth below.

DATED: February __, 2023.

SLINDE NELSON
By: /s/ Keith A. Pitt
Keith A. Pitt, OSB No. 973725
keith@slindenelson.com
*Attorneys for Defendant Heather
Schiappacasse*

----- Forwarded Message -----

From: Gordon, Jean <jean.gordon@nike.com>
To: Heather Schiappacasse <hschiappacasse@yahoo.com>
Sent: Friday, October 8, 2021 at 12:28:21 PM CDT
Subject: Re: <External>David Vizzini

Hi Heather -

I appreciate the heads-up. Please send me pictures.

Thank you,
Jean

Get [Outlook for iOS](#)

From: Heather Schiappacasse <hschiappacasse@yahoo.com>
Sent: Friday, October 8, 2021 10:14:22 AM
To: Gordon, Jean <Jean.Gordon@nike.com>
Subject: <External>David Vizzini

Hi Jean,

You don't know me & I'm sorry to shock you with this information, but I've been dating David & i just found out he's been living with you.

I've known David for years and considered him a good friend.

He was with me in San Diego for three days, 8/15-8/18, that was the start of our relationship.

He invited me to Cabo at the beginning of September then uninvited me - i found out you went instead.

He flew to Dallas and stayed with me 9/10-9/13 and i threw him a birthday party.

He was also with me and stayed in my hotel room in KC 2 weeks ago.

I have pictures, we've had plenty of sex, but he also asked me to invest \$500K into his business. When i let him know my preference was to keep business and personal separate, he fled.

I'm not telling you this to hurt you, but woman to woman BE CAREFUL and DO NOT give him any money

Happy to chat any time, I've found out WAY more about this guy recently...

Heather

Sent from my iPhone

I have to step back from all of this.

It's consuming my life and i dont want that... 4 weeks ago i was really happy and falling in love with a person i was super close friends with

It's effecting my work and peace of mind.

I'll deal with David when i see him in Vegas and through business

2021-10-19 08:53:13:

Hi, (sorry was on a business call)...thanks...I agree about stepping back. He reached out to talk but I haven't yet. I'm not sure if I will. But wanted to be sure not to betray anything you've shared with me if we do talk. It's all still really crazy to me. Feel a bit naive but I refuse to put it on me...it's on him. Never take on someone else's dysfunction/baggage. We can only control ourselves.

Hang in there and I hope you have some awesome self care opportunities. Please don't let this affect you too much. He's NOT worth it. ❤

He's going to gaslight you.

Everything he says is a lie

He needs someone to fund the new house in a year

Schiappacasse000410

You have my text messages. All written by him, from your bed - that's really all you need to know

2021-10-19 08:58:12

I know ... he won't gaslight me (anymore)... I promise you that. The texts were all I needed to end it for good. But it may be necessary to send them to him or Shane. That's why I wanted to check with you.

I'd love it if you did that.

I want them to know the truth, but it can't come from me

2021-10-19 08:59:24

Liked "I'd love it if you did that.

I want them to know the truth, but it can't come from me"

2021-10-19 08:59:48

I'm not even ready to talk yet but I have a feeling I'm going to need to send them.

David needs you to talk to him too feed his narcissistic nature. He can't bring himself to believe you would just walk away

Schiappacasse000411

2021-10-19 09:03:40

He's definitely struggling not having the last word. I know

That's why he ignored me for 5 days...

2021-10-19 09:04:33

I've not only walked away...I'm thriving. It's a relief

Then i piqued his interest when i said we "might invest" then he came back

I'm spiraling a bit... i don't know why.
Things like this typically don't bother me like this.

2021-10-19 09:06:58

I know it's all been a lot. 🌟

2021-10-19 09:50:04

Hi, I'm on another zoom call. You ok?

Schiappacasse000412

2021-10-08 14:39:18

Of course he told them. He's crazy and he will try and make you look crazy. Try not to engage with him. He will be relentless and it only feeds his narcissistic supply. Calm is your superpower.

2021-10-08 14:39:42

Did Jean reach out? I can only imagine how Dave is trying to play this off. I'm so sorry.

I'm done.

I talked to Jean for an hour... she's done too

I'll never talk to him again.

Luckily, my work knows me better than that

2021-10-08 14:40:30

She's done with Dave????

2021-10-08 14:41:15

Everyone who knows you, knows better. The same thing happened to me and it was fucking HARD at the beginning and then I got used to it and knew everyone would figure him out—and they did. And still are....LOL!!

2021-10-08 14:41:28

Tell Jean to call me if she wants to.

2021-10-08 15:10:52

Did you talk to Jean and she said she is done???

2021-10-08 15:11:08

Mindy is so sweet and totally has your back. 😊

2021-10-08 21:10:17

2021-10-08 21:10:17



Look what I just did!!

You registered his LLC in your name?!?

2021-10-08 21:11:56

Yep!

2021-10-08 21:12:04

It's expired

OMG - THAT'S hysterical

2021-10-08 21:12:18

Well...

Grant T. Engrav, OSB No. 133517
Engrav Law Office, LLP
1500 SW 1st Ave, Suite 1170
Portland, OR 97201
Email: grantengrav@engravlawoffice.com
Phone: (971) 339-2737

Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

VERITAS ALLIES LLC, an Oregon Limited
Liability Company,

Plaintiff,

v.

CYNTHIA FREE, an individual, and
HEATHER SCHIAPPACASSE, an
individual,

Defendants.

Case No.: 3:22-cv-00903-YY

**PLAINTIFF'S RESPONSE TO
DEFENDANT HEATHER
SCHIAPPACASSE'S FIRST REQUEST
FOR PRODUCTION**

Plaintiff Veritas Allies LLC., an Oregon Limited Liability Company, by and through its undersigned attorneys of record, responds and objects to Defendants' First Set of Interrogatories to Plaintiff.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Page 1 – RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO
PLAINTIFF

INTERROGATORY NO. 1: Please identify and provide contact information, including the company names, primary contact names, addresses, phone numbers, and email addresses for all existing or potential Veritas clients that either ended their business relationships with Veritas, reduced their business relationship with Veritas, or chose not to engage Veritas' services due to the actions by the Defendant as alleged in the Lawsuit, at or after the Self Insurance Institute of America conference held in Austin, Texas in October 2021.

RESPONSE:

Plaintiff objects to this interrogatory for the following reasons:

1. The interrogatory is overly broad and contains a compound and conjunctive question.
2. The interrogatory calls for plaintiff to make a legal conclusion.
3. The interrogatory seeks information from third parties about information not within plaintiff's possession, custody, control, or personal knowledge.
4. The interrogatory requests information that will not be known until after additional discovery is completed.

-Payer Matrix: Michael.jordan@payermatrix.com, dr.vincent@payermatrix.com,

- HC Consulting: bweinberg@agentra.com, jc@hcconsultingllc.com,

- Leading Edge Admin: Tom Cardwell, 224-532-8613

- DBA: Mary Beth Donalson, marybeth@dbainc.org

-90 Degree Benefits: Lori Brown, lori.brown@90degreebenefits.com

- VBA: Georgeann Seuffert, gseuffert@vbasoftware.com

-Rocky Mountain Admin: Luanne Gentilini & Preston Bostrom,

Luanne.gentilini@rockymountainadministrators.com

preston.bostrom@rockymountainadministrators.com

-Providence Admin Services: Robin Clark, rclark@pristx.com

-Free Market Admin: Hershel Head, hhead@freemarketadmin.com

Page 2 – RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF

-Point 6 Healthcare: Brian Scott & Judy Mateer, brian.scott@point6healthcare.com, judy.mateer@point6healthcare.com
-Crum & Forster: Vicki Burgess, vicki.burgess@cfins.com
-Good Root: Chris Childs, cchilds@goodrootinc.com
-MBA Admin: Michael Brady, mbrady@mbaadmin.com
-Careington: Greg Rudisill, rudisill@careington.com

INTERROGATORY NO. 2: For each of the parties and individuals identified in response to Interrogatory #1, please describe in detail the nature and specifics of the interactions between Defendant and those parties that are in any way relevant to the allegations in the Lawsuit.

RESPONSE: (2 questions)

Plaintiff objects to this interrogatory for the following reasons:

The interrogatory is unduly broad and burdensome and is not accompanied by even the slightest attempt to make it reasonably or narrowly tailored. The interrogatory is a “contention interrogatory”, which is prohibited. LR 33.1(d); *see* 8A Charles Alan Wright, Arthur R. Miller & Richard L. Marcus, *Federal Practice and Procedure* §2167 (2d ed 1994) (supplemented periodically). Thus, “[b]road general interrogatories, such as those which ask an opposing party to ‘state all facts on which a contention is based’ or to ‘apply law to facts,’ are not permitted.” LR 33.1(d). Defendant has already raised a substantially similar issue at its Rule 21 Motion in circuit court, and lost on the motion. Moreover, Plaintiff is conducting discovery, including a deposition of Defendant, which is expected to provide additional information in response to the request.

INTERROGATORY NO. 3: For each of the parties and individuals identified in response to Interrogatory #1, please describe in detail the nature and specifics of the interactions between Plaintiff and those parties that are in any way relevant to the allegations in the Lawsuit.

RESPONSE:

Page 3 – RESPONSE TO DEFENDANTS’ FIRST SET OF INTERROGATORIES TO PLAINTIFF

Plaintiff objects to this interrogatory for the following reasons:

The interrogatory is unduly broad and burdensome and is not accompanied by even the slightest attempt to make it reasonably or narrowly tailored. The interrogatory is a “contention interrogatory”, which is prohibited. LR 33.1(d); *see* 8A Charles Alan Wright, Arthur R. Miller & Richard L. Marcus, *Federal Practice and Procedure* §2167 (2d ed 1994) (supplemented periodically). Thus, “[b]road general interrogatories, such as those which ask an opposing party to ‘state all facts on which a contention is based’ or to ‘apply law to facts,’ are not permitted.” LR 33.1(d). Defendant has already raised a substantially similar issue at its Rule 21 Motion in circuit court, and lost on the motion.

INTERROGATORY NO. 4: Please identify and provide the contact information, including place of business, address, phone number, and email address for the individual described as “one of our largest clients,” as described at ¶ 6 of the March 7, 2022 *Declaration of Shane Barnes in Response to Defendant Schiappacasse’s Motion to Dismiss*.

RESPONSE:

Diversified Benefit Administrators

2024 E Pinetree Blvd, STE D, Thomasville, GA 31792

(844) 200-7422

Mary Beth Donalson marybeth@dbainc.org

[CONTACT \(dbainc.org\)](mailto:CONTACT@dbainc.org)

INTERROGATORY NO. 5: Please identify, describe the role, and provide the contact information, including the current address, phone number, email address, date of hire or engagement, and date of termination or disengagement for all Veritas employees, agents, representatives, managers, and owners from January 2020 to the present.

RESPONSE:

Plaintiff objects to this interrogatory for the following reasons:

Page 4 – RESPONSE TO DEFENDANTS’ FIRST SET OF INTERROGATORIES TO PLAINTIFF

1. Plaintiff objects to this interrogatory because the only possible purpose of this request is to harass and cause hardship to plaintiff.
2. The interrogatory is overly broad and contains multiple compound and conjunctive questions. Counsel is willing to confer on what precisely is needed from Defendants in its defense.

INTERROGATORY NO. 6: Please identify and provide the contact information, including the current address, phone number, and email address for all entities or individuals providing investment funding, whether in the form of equity or debt, for Veritas.

RESPONSE:

Plaintiff objects to this interrogatory for the following reasons:

1. Plaintiff objects to the entirety of this interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence.
2. This interrogatory goes beyond the scope of this lawsuit and is therefore irrelevant.
3. The only possible purpose of this request is to harass and cause hardship to plaintiff.

INTERROGATORY NO. 7: Please identify, describe the role, and provide the contact information, including current address, phone number, and email address, for all Veritas employees, representatives, or agents who attended the Self Insurance Institute of America conference held in Austin, Texas in October 2021.

RESPONSE:

Plaintiff objects to this interrogatory for the following reasons:

1. The interrogatory seeks information that is not reasonably calculated to lead to the discovery of admissible evidence.
2. The interrogatory contains several compound and conjunctive questions.

Page 5 – RESPONSE TO DEFENDANTS’ FIRST SET OF INTERROGATORIES TO PLAINTIFF

3. The interrogatory seeks information in the possession of, known to, or otherwise equally available to defendant.

INTERROGATORY NO 8: Please identify and provide contact information for all witnesses to the events occurring at the Self Insurance Institute of America conference held in Austin, Texas in October 2021.alleged in ¶¶ 7,8,9 of Plaintiffs Complaint, including, but not limited to all those present in the Marriot Hotel Bar.

RESPONSE:

Plaintiff objects to this interrogatory for the following reasons:

1. The interrogatory is overly broad and unduly burdensome and contains a compound and conjunctive question.
2. The interrogatory seeks information from third parties about information not within plaintiff's possession, custody, control, or personal knowledge.
3. The interrogatory requests information that will not be known until after additional discovery is completed.

The following is a list of those persons known at this time:

- Shane Barnes (sbarnes@veritasallies.com) (503) 610-0080
- David Vizzini (dvizzini@veritasallies.com) (503) 610-0080
- Mary Beth Donalson (marybeth@dbainc.org) (844) 200-7422
- Mickey Warhola (Mwarhola@veritasallies.com)
- Joshua Bailer (Jbailer@veritasallies.com) (503) 610-0080
- Sharon Snyder (ssnyder@veritasallies.com) (503) 610-0080
- Luanne Gentilini (Luanne.gentilini@rockymountainadministrators.com)
- Preston Bostrom (preston.bostrom@rockymountainadministrators.com)

INTERROGATORY NO. 9: Please provide the contact information, including the current work address, work phone number, work email address, home address, home phone number, and personal email address for Ms. Jean Gordon.

RESPONSE:

Respectfully submitted this 19th day of August, 2022.

ENGRAV LAW OFFICE LLP

s/ Grant T. Engrav

GRANT T. ENGRAV, OSB No. 133517
Grant@engravlawoffice.com
Telephone: (971) 339-2737
Facsimile: (971) 275-1218

Attorneys for Plaintiff

Page 8 – RESPONSE TO DEFENDANTS’ FIRST SET OF INTERROGATORIES TO
PLAINTIFF

EXHIBIT 4
Page 8 of 10

VERIFICATION BY PARTY

Pursuant to Fed. R. Civ. P. 33(b) and 28 U.S.C. § 1746, I, **David Vizzini** declare under penalty of perjury that, I am the CEO for Veritas Allies LLC. I have read the foregoing responses, know the contents thereof, and believe the same to be true and accurate, to the best of my knowledge and belief.

Date: 8/19/2022

— DocuSigned by:

David Vizzini

Title: CEO

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2022, I served the preceding **Response to Defendant's First Interrogatory** on:

Philip Nelson, OSB No. 013650
phil@slindenelson.com

Keith A. Pitt, OSB No. 973725
keith@slindenelson.com

By mailing a true and correct copy thereof by U.S. Postal Service, ordinary first-class mail, addressed to each attorney's last known address and depositing in the U.S. mail at Portland, Oregon on the date set forth above;

By mailing a true and correct copy thereof by U.S. Postal Service, certified mail, return receipt requested, addressed to each attorney's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth above;

By causing a true and correct copy thereof to be hand-delivered to the above-mentioned attorney's last known office address on the date set forth above;

By sending a true and correct copy thereof by overnight courier, addressed to each attorney's last known office address on the date set forth above;

By faxing a true and correct copy thereof to each attorney at each attorney's last known facsimile number on the date set forth above. At the time of service the attorney maintained a facsimile device at the attorney's office and the device was working at the time of service. Attached to this Certificate of Service is a printed confirmation of receipt of the message generated by my office's facsimile transmitting machine.

By emailing a true and correct copy thereof to each attorney at each attorney's email address. Prior to service, the attorney's had agreed in writing to accept service via email.

Dated this 19th day of August 2022.

ENGRAV LAW OFFICE, LLP

By: /s/ Grant T. Engrav
Grant T. Engrav, OSB No. 133517
Of Attorney for Plaintiff

23-02xx HEATHER DEC

Final Audit Report

2023-02-27

Created:	2023-02-27
By:	Natalie Laguna (nlaguna@slindenelson.com)
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"23-02xx HEATHER DEC" History

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